

**ASSEMBLY BILL**

**No. 2550**

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**Introduced by Assembly Member Carter**

February 24, 2012

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An act to amend Section 9711 of, and to add Section 9712.5 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2550, as introduced, Carter. Office of the State Long-Term Care Ombudsman.

Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities.

This bill would require the State Long-Term Care Ombudsman to perform enumerated duties to provide for the health, safety, welfare, and rights of residents of long-term care facilities as described in the federal Older Americans Act, including, among other things, the duty to respond to complaints, as specified, to provide services and information to residents to help protect their health, safety, welfare, and rights, and to ensure timely access to the services provided by the office.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 9711 of the Welfare and Institutions Code is amended to read:

9711. (a) The office shall be under the direction of a chief executive officer who shall be known as the State Long-Term Care Ombudsman. The State Ombudsman shall be appointed by the director and shall report directly to the director, *in a manner consistent with Section 9712.5 and federal laws and regulations*. He or she shall devote his or her entire time to the duties of his or her position, and shall receive the salary otherwise provided by law.

(b) Any vacancy occurring in the position of State Ombudsman shall be filled in the same manner as the original appointment. Whenever the State Ombudsman dies, resigns, becomes ineligible to serve for any reason, or is removed from office, the director shall appoint an acting State Ombudsman within 30 days, who shall serve until the appointment and qualification of the State Ombudsman's successor, but in no event longer than four months from the occurrence of the vacancy. The acting State Ombudsman shall exercise during this period all the powers and duties of the State Ombudsman pursuant to this chapter.

SEC. 2. Section 9712.5 is added to the Welfare and Institutions Code, to read:

9712.5. The State Ombudsman shall, personally or through representatives of the office, perform all of the following duties:

(a) Identify, investigate, and resolve complaints that are made by, or on behalf of, residents of long-term care facilities that relate to action, inaction, or decisions of providers, or representatives of providers, of long-term care services, or health and social service agencies, that may adversely affect the healthy, safety, welfare, or rights of residents, including the welfare and rights of the residents with respect to the appointment and activities of conservators and representative payees.

(b) Provide services to assist residents in the protection of their health, safety, welfare, and rights.

(c) Inform residents about means of obtaining the services delivered by the providers or agencies described in subdivision (a) or the services described in subdivision (b).

1 (d) Ensure that residents have regular and timely access to the  
2 services provided through the office, and that the residents and  
3 complainants receive timely responses to their complaints from  
4 representatives of the office.

5 (e) Represent the interests of the residents before governmental  
6 agencies and seek administrative, legal, and other remedies to  
7 protect the health, safety, welfare, and rights of the residents.

8 (f) Provide administrative and technical assistance to entities  
9 designated as local Ombudsman programs, to assist the entities to  
10 participate in the programs.

11 (g) Analyze, comment on, and monitor the development and  
12 implementation of federal, state, and local laws, regulations, and  
13 other governmental policies and actions that pertain to the health,  
14 safety, welfare, and rights of the residents, with respect to the  
15 adequacy of long-term care facilities and services in the state.

16 (h) Recommend any changes in the laws, regulations, policies,  
17 and actions described in subdivision (g) as the office determines  
18 to be appropriate.

19 (i) Facilitate public comment on the laws, regulations, policies,  
20 and actions described in subdivision (g).

21 (j) Provide information that the office determines to be necessary  
22 to public and private agencies, the Legislature, and other persons,  
23 regarding the problems and concerns of residents, and provide  
24 recommendations relating to resolving those problems and  
25 concerns.

26 (k) Provide training for representatives of the office.

27 (l) Promote the development of citizen organizations to  
28 participate in the program.

29 (m) Provide technical support for the development of resident  
30 and family councils to protect the well-being and rights of  
31 residents.